

SENATE BILL 612

SECTION 113

1 **SECTION 113.** 7.30 (4) (a) of the statutes is amended to read:

2 7.30 (4) (a) Except in cities where there is a board of election commissioners,
3 the mayor, president or board chairperson of each municipality shall nominate to the
4 governing body no later than their last regular meeting in December of each
5 ~~even-numbered~~ odd-numbered year the necessary election officials for each polling
6 place and any election officials required under s. 7.52 (1) (b). If no regular meeting
7 is scheduled, the mayor, president or chairperson shall call a special meeting for the
8 purpose of considering nominations no later than December 31.

9 **SECTION 114.** 7.30 (4) (b) (intro.) of the statutes is amended to read:

10 7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible
11 for submitting a list of names from which the all appointees to inspector positions,
12 other than appointees to inspector positions authorized under sub. (1) (b), shall be
13 chosen.

14 **SECTION 115.** 7.30 (4) (b) 1. of the statutes is amended to read:

15 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
16 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
17 2 dominant recognized political parties shall submit a certified list no later than
18 November 30 of each ~~even-numbered~~ odd-numbered year containing the names of
19 at least as many nominees as there are inspectors from that party for each of the
20 voting wards in the aldermanic district. For inspectors serving under s. 7.52 (1) (b),
21 the aldermanic district committeemen and committeewomen under s. 8.17 of the 2
22 dominant recognized political parties shall jointly submit a certified list of nominees
23 containing at least twice as many nominees as there are inspectors from that party
24 who are to be appointed under s. 7.52 (1) (b). The chairperson may designate any
25 individual whose name is submitted as a first choice nominee. The board of election

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1 commissioners shall appoint, no later than December 31 of ~~even-numbered~~
2 odd-numbered years, at least 5 inspectors for each ward. The board of election
3 commissioners shall appoint all first choice nominees for so long as positions are
4 available, unless nonappointment is authorized under par. (e), and shall appoint
5 other individuals in its discretion. The board of election commissioners may
6 designate such alternates as it deems advisable.

7 **SECTION 116.** 7.30 (4) (b) 2. of the statutes is amended to read:

8 7.30 (4) (b) 2. In municipalities other than cities and villages located in counties
9 having a population of more than 500,000, the committees organized under s. 8.17
10 from each of the 2 dominant parties under sub. (2) shall submit a list containing at
11 least as many names as there are needed appointees from that party. The list shall
12 be submitted by the chairperson of each of the 2 committees to the mayor, president
13 or chairperson of the municipality. If committees are organized in subdivisions of a
14 city, the list shall be submitted through the chairperson of the city committee. If
15 there is no municipal committee, the list shall be submitted by the chairperson of the
16 county or legislative district committee. Except as provided in par. (c), only those
17 persons submitted by the chairperson of each committee under s. 8.17 may act as
18 election officials. The chairperson may designate any individual whose name is
19 submitted as a first choice nominee. The list shall contain the signature of the
20 chairperson and secretary of the submitting committee. In cities or villages located
21 in counties having a population of more than 500,000, other than cities where there
22 is a board of election commissioners, the aldermanic district or village
23 committeeman or committeewoman for the ward or wards where each polling place
24 is located, if there is one, or for inspectors serving under s. 7.52 (1) (b), the
25 committeemen and committeewomen for the municipality acting jointly, shall

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1 submit a list containing at least as many names as there are needed appointees for
2 inspector positions from the party represented by the committeeman or
3 committeewoman or by the committeemen and committeewomen acting jointly. For
4 appointments of inspectors in cities and villages where there is no aldermanic
5 district or village committeeman or committeewoman, nominations shall proceed in
6 the same manner as in municipalities located in counties having a population of
7 500,000 or less. The list shall be submitted to the mayor or president. Except as
8 provided in par. (c), only those persons whose names are submitted as provided in
9 this paragraph may act as election officials. The committeeman or committeewoman
10 may designate any individual whose name is submitted as a first choice nominee.
11 The list shall contain the signature of the aldermanic district or village
12 committeeman or committeewoman or the chairperson of the appropriate
13 committee. Upon submission of each nominee's name, the governing body shall
14 appoint each first choice nominee for so long as positions are available, unless
15 nonappointment is authorized under par. (e), and shall appoint other nominees in its
16 discretion. If any nominee is not appointed, the mayor, president or chairperson of
17 the municipality shall immediately nominate another person from the appropriate
18 lists submitted and continue until the necessary number of election officials from
19 each party is achieved at that meeting.

20 **SECTION 117.** 7.30 (4) (c) of the statutes is amended to read:

21 7.30 (4) (c) For Except with respect to inspectors who are appointed under sub.
22 (1) (b), for so long as nominees are made available by the political parties under this
23 section, appointments may be made only from the lists of submitted nominees. If the
24 lists are not submitted by November 30 of the year in which appointments are to be
25 made, the board of election commissioners shall appoint, or the mayor, president or

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1 chairperson of a municipality shall nominate qualified persons whose names have
2 not been submitted. If an insufficient number of nominees appears on the lists as
3 of November 30, the board of election commissioners shall similarly appoint, or the
4 mayor, president or chairperson shall similarly nominate sufficient individuals to fill
5 the remaining vacancies. In addition, the mayor, president, or board chairperson of
6 the municipality shall similarly nominate qualified persons to serve in the inspector
7 positions authorized under sub. (1) (b). Any appointment which is made due to the
8 lack of availability of names submitted under par. (b) may be made without regard
9 to party affiliation.

10 **SECTION 118.** 7.30 (6) (a) of the statutes is amended to read:

11 7.30 (6) (a) The Except as provided in par. (am), the appointed election officials
12 shall hold office for 2 years and until their successors are appointed and qualified.
13 They shall serve at every election held in their ward during their term of office.

14 **SECTION 119.** 7.30 (6) (am) of the statutes is created to read:

15 7.30 (6) (am) A pupil appointed as an inspector under sub. (2) (am) shall serve
16 as an inspector only for the election for which he or she is appointed. Nothing in this
17 paragraph shall be construed to limit the number of times a pupil may be appointed
18 as an inspector.

19 **SECTION 120.** 7.30 (6) (b) of the statutes is amended to read:

20 7.30 (6) (b) Prior to the first election following the appointment of the
21 inspectors, the municipal clerk shall appoint one of the inspectors at each polling
22 place, other than an inspector who is appointed under sub. (1) (b), to serve as chief
23 inspector. No person may serve as chief inspector at any election who is not certified
24 by the board under s. 7.31 at the time of the election. The chief inspector shall hold
25 the position for the remainder of the term unless the inspector is removed by the clerk

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1 or the inspector ceases to be certified under s. 7.31, except that whenever wards are
2 combined or separated under s. 5.15 (6) (b), the municipal clerk shall appoint another
3 inspector who is certified under s. 7.31 to serve as chief inspector at each polling place
4 designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector
5 at any polling place, the municipal clerk shall appoint one of the other inspectors who
6 is certified under s. 7.31 to fill the vacancy.

7 **SECTION 121.** 7.30 (6) (c) of the statutes is amended to read:

8 7.30 (6) (c) If any election official appointed under this section lacks the
9 qualifications set forth in this section, fails to attend training sessions required
10 under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official
11 duties or commits official misconduct, the municipal clerk or board of election
12 commissioners shall summarily remove the official from office and the vacancy shall
13 be filled under sub. (2) (b).

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14 **SECTION 122.** 7.315 of the statutes is created to read:

15 **7.315 Training of other election officials.** (1) (a) The board shall, by rule,
16 prescribe the contents of the training that municipal clerks must provide to
17 inspectors, other than chief inspectors, to special voting deputies appointed under
18 s. 6.875, and to special registration deputies appointed under ss. 6.26 and 6.55 (6).

19 (b) 1. Except as provided in subd. 2., no individual may serve as an inspector,
20 other than a chief inspector, as a special voting deputy under s. 6.875, or as a special
21 registration deputy under s. 6.26 or 6.55 (6) at any election unless the individual has
22 completed training for that election provided by the municipal clerk pursuant to
23 rules promulgated under par. (a).

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24 2. Only when an individual who has received training under subd. 1. is
25 unavailable to perform his or her election duties due to sickness, injury, or other

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1 unforeseen occurrence may an individual who has not received training under subd.
2 1. be appointed to serve as an inspector, other than chief inspector, or a special voting
3 deputy or special registration deputy. The appointment of an individual to serve
4 under this subdivision shall be for a specific election and no individual may be
5 appointed under this subdivision more than one time in a 2-year period.

6 (2) The board shall, by rule, prescribe requirements for, and the content of,
7 training required of municipal clerks under s. 7.15 (1m). The board may provide such
8 training directly or arrange for such training to be provided by other organizations.

9 ~~The rules may not require training more than once every 2 years.~~ The rules shall
10 provide a method for notifying the relevant municipal governing body if a municipal
11 clerk fails to attend required training. SA-1 ✓

12 (3) The board may produce and periodically reissue as necessary a video
13 program for the purpose of training election officials, including special voting
14 deputies and special registration deputies. The board shall make any such program
15 available for viewing electronically through an Internet-based system.

16 **SECTION 123.** 7.32 of the statutes is amended to read:

17 **7.32 Change of election official numbers.** Notwithstanding s. 7.30 (1) (a),
18 the governing body or board of election commissioners of any municipality may by
19 resolution reduce the number of election officials and modify or rescind any similar
20 previous action. No such action may reduce the number of officials at a polling place
21 to less than 3.

22 **SECTION 124.** 7.33 (3) of the statutes is amended to read:

23 7.33 (3) Every employer shall grant to each employee who is appointed to serve
24 as an election official under s. 7.30 a leave of absence for the entire 24-hour period
25 of each election day in which the official serves in his or her official capacity. An

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1 employee who serves as an election official shall provide his or her employer with at
2 least 7 days' notice of application for a leave. The municipal clerk shall verify
3 appointments upon request of any employer.

4 **SECTION 125.** 7.33 (4) of the statutes is amended to read:

5 7.33 (4) Except as otherwise provided in this subsection, each local
6 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
7 proper application under sub. (3), permit each of its employees to serve as an election
8 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
9 scheduled working hours during the period specified in sub. (3), without loss of pay
10 for scheduled working hours during the period specified in sub. (3) except as provided
11 in sub. (5), and without any other penalty. For employees who are included in a
12 collective bargaining unit for which a representative is recognized or certified under
13 subch. V of ch. 111, this subsection shall apply unless otherwise provided in a
14 collective bargaining agreement.

15 **SECTION 126.** 7.33 (6) of the statutes is amended to read:

16 7.33 (6) Each employer other than a state agency shall, upon proper application
17 under sub. (3), permit each of its employees to serve as an election official under s.
18 7.30 without loss of fringe benefits or seniority privileges earned for scheduled
19 working hours during the period specified in sub. (3), and shall not impose any other
20 penalty upon an employee who serves as an election official, except the employer
21 need not pay wages to an employee for time not worked while the employee is serving
22 as an election official.

23 **SECTION 127.** 7.37 (2) of the statutes is amended to read:

24 7.37 (2) PRESERVE ORDER. The inspectors shall possess full authority to
25 maintain order and to enforce obedience to their lawful commands during the

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1 election and the canvass of the votes. They shall permit only one person in a voting
2 booth at a time and shall prevent any person from taking notice of how another
3 person has voted, except when assistance is given under s. 6.82. They shall enforce
4 s. 5.35 (5) and prevent electioneering and distribution of election-related material
5 from taking place in violation of ~~s. ss.~~ ss. 12.03 and 12.035. If any person refuses to obey
6 the lawful commands of an inspector, or is disorderly in the presence or hearing of
7 the inspectors, interrupts or disturbs the proceedings, they may order any law
8 enforcement officer to remove the person from the voting area or to take the person
9 into custody.

10 **SECTION 128.** 7.37 (13) of the statutes is created to read:

11 **7.37 (13) CLOSING OF POLLS.** For each polling place, the municipal clerk shall
12 designate an official of the municipality who shall position himself or herself at the
13 end of the line of individuals waiting to vote, if any at the time that the polls officially
14 close. The official may be an inspector or special registration deputy appointed under
15 s. 6.55 (6) who serves at that polling place, an employee of the municipal clerk or a
16 police officer, Only individuals in line ahead of the official shall be permitted to vote
17 under s. 6.78 (4).

18 **SECTION 129.** 7.41 of the statutes is amended to read:

19 **7.41 Public's right to access.** (1) Any member of the public may be present
20 at any polling place, in the office of any municipal clerk whose office is located in a
21 public building on any day that absentee ballots may be cast in that office, or at an
22 alternate site under s. 6.855 on any day that absentee ballots may be cast at that site
23 for the purpose of observation of an election and the absentee ballot voting process,
24 except a candidate whose name appears on the ballot at the polling place or on an
25 absentee ballot to be cast at the clerk's office or alternate site at that election. The

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1 chief inspector or municipal clerk may reasonably limit the number of persons
2 representing the same organization who are permitted to observe ~~an election~~ under
3 this subsection at the same time.

4 (2) The chief inspector or municipal clerk may restrict the location of any
5 individual exercising the right under sub. (1) to certain areas within a polling place,
6 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
7 clerk shall clearly designate such an area as an observation area. Designated
8 observation areas shall be so positioned to permit any authorized individual to
9 readily observe all public aspects of the voting process.

10 (3) The chief inspector or municipal clerk may order the removal of any
11 individual exercising the right under sub. (1) if that individual commits an overt act
12 which:

13 (a) Disrupts the operation of the polling place, clerk's office, or alternate site
14 under s. 6.855; or

15 (b) Violates s. 12.03 (2) or 12.035.

16 (4) No individual exercising the right under sub. (1) may view the confidential
17 portion of a registration list maintained under s. 6.36 (4) or a poll list maintained
18 under s. 6.79 (6). However, the inspectors or municipal clerk shall disclose to such
19 an individual, upon request, the existence of such a list, the number of electors whose
20 names appear on the list, and the number of those electors who have voted at any
21 point in the proceedings. No such individual may view the certificate of an absent
22 elector who obtains a confidential listing under s. 6.47 (2).

23 **SECTION 130.** 7.41 (5) of the statutes is created to read:

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1 7.41 (5) The board ~~shall promulgate rules~~ regarding the proper conduct of
2 individuals exercising the right under sub. (1), including the interaction of those
3 individuals with inspectors and other election officials.

4 **SECTION 131.** 7.51 (1) of the statutes is amended to read:

5 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
6 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
7 all votes received at the polling place. In any municipality where an electronic voting
8 system is used, the municipal governing body or board of election commissioners may
9 provide or authorize the municipal clerk or executive director of the board of election
10 commissioners to provide for the adjournment of the canvass to one or more central
11 counting locations for specified polling places in the manner prescribed in subch. III
12 of ch. 5. No central counting location may be used to count votes at a polling place
13 where an electronic voting system is not employed. The canvass, whether conducted
14 at the polling place or at a central counting location, shall continue without
15 adjournment until the canvass is completed and the return ~~statements are~~
16 statement is made or, in municipalities where absentee ballots are canvassed under
17 s. 7.52, until the canvass of all ballots cast is completed and the return statement for
18 those ballots are made. The inspectors shall not permit access to the name of any
19 elector who has obtained a confidential listing under s. 6.47 (2) during the canvass,
20 except as authorized in s. 6.47 (8).

21 **SECTION 132.** 7.51 (2) (c) of the statutes is amended to read:

22 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
23 electors as indicated on the poll list, the inspectors shall place all ballots face up to
24 check for blank ballots. In this paragraph, “blank ballot” means a ballot on which
25 no votes are cast for any office or question. The inspectors shall mark, lay aside and

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1 preserve any blank ballots. If Except in municipalities where absentee ballots are
2 canvassed under s. 7.52, if the number of ballots still exceeds the number of voting
3 electors, the inspectors shall place all ballots face down and proceed to check for the
4 initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the
5 initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal
6 clerk. During the count the inspectors shall count those ballots cast by challenged
7 electors the same as the other ballots.

8 **SECTION 133.** 7.51 (2) (e) of the statutes is amended to read:

9 7.51 (2) (e) If, Except in municipalities where absentee ballots are canvassed
10 under s. 7.52, if after any ballots have been laid aside, the number of ballots still
11 exceeds the total number of electors recorded on the poll list, the inspectors shall
12 separate the absentee ballots from the other ballots. If there is an excess number of
13 absentee ballots, the inspectors shall place the absentee ballots in the ballot box and
14 one of the inspectors shall publicly and without examination draw therefrom by
15 chance the number of ballots equal to the excess number of absentee ballots. If there
16 is an excess number of ~~other~~ nonabsentee ballots, the inspectors shall place those
17 ballots in the ballot box and one of the inspectors shall publicly and without
18 examination draw therefrom by chance the number of ballots equal to the excess
19 number of those ballots. All ballots so removed may not be counted but shall be
20 specially marked as having been removed by the inspectors on original canvass due
21 to an excess number of ballots, set aside and preserved. When the number of ballots
22 and total shown on the poll list agree, the inspectors shall return all ballots to be
23 counted to the ballot box and shall turn the ballot box in such manner as to
24 thoroughly mix the ballots. The inspectors shall then open, count and record the
25 number of votes. When the ballots are counted, the inspectors shall separate them

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1 into piles for ballots similarly voted. Objections may be made to placement of ballots
2 in the piles at the time the separation is made.

3 **SECTION 134.** 7.51 (3) (d) of the statutes is amended to read:

4 7.51 (3) (d) All Except in municipalities where absentee ballots are canvassed
5 under s. 7.52, all absentee certificate envelopes which have been opened shall be
6 returned by the inspectors to the municipal clerk in a securely sealed carrier
7 envelope which is clearly marked “used absentee certificate envelopes”. The
8 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
9 the ballots are used in a municipal or school district election only, the municipal clerk
10 shall transmit the used envelopes to the county clerk.

11 **SECTION 135.** 7.51 (4) (a) of the statutes is amended to read:

12 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
13 office and for each individual receiving votes for that office, whether or not the
14 individual’s name appears on the ballot, and shall state the vote for and against each
15 proposition voted on. Upon completion of the tally sheets, the inspectors shall
16 immediately complete the inspectors’ statements in duplicate statement. The
17 inspectors shall state the excess, if any, by which the number of ballots exceeds the
18 number of electors voting as shown by the poll list and shall state the number of the
19 last elector as shown by the poll lists. At least 3 inspectors, including the chief
20 inspector and, unless election officials are appointed under s. 7.30 (4) (c) without
21 regard to party affiliation, at least one inspector representing each political party,
22 but not including any inspector appointed under s. 7.30 (1) (b), shall then certify to
23 the correctness of the statements statement and tally sheets and sign their names.
24 All other election officials assisting with the tally shall also certify to the correctness

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1 of the tally sheets. When the tally is complete, the inspectors shall publicly announce
2 the results from the ~~statements~~ statement.

3 **SECTION 136.** 7.51 (5) (a) of the statutes is amended to read:

4 7.51 (5) (a) 1. The inspectors shall make full and accurate return of the votes
5 cast for each candidate and proposition on tally sheet forms provided by the
6 municipal clerk for that purpose. Each tally sheet shall record the returns for each
7 office or referendum by ward, unless combined returns are authorized in accordance
8 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
9 of combined wards.

10 2. After recording the votes, the inspectors shall seal in a carrier envelope
11 outside the ballot bag or container ~~one inspectors' statement under sub. (4) (a), one~~
12 tally sheet, and one poll list for delivery to the county clerk, unless the election relates
13 only to municipal or school district offices or referenda.

14 3. The inspectors shall also ~~similarly seal one~~ the inspectors' statement, inside
15 a separate carrier envelope, and shall similarly seal in a separate carrier envelope
16 one tally sheet, and one poll list for delivery to the municipal clerk. For school district
17 elections, except in 1st class cities, the inspectors shall ~~similarly seal one inspectors'~~
18 ~~statement,~~ one tally sheet, and one poll list for delivery to the school district clerk.

19 4. The inspectors shall immediately deliver all ballots, statements, tally sheets,
20 lists, and envelopes to the municipal clerk.

21 **SECTION 137.** 7.51 (5) (a) 5. of the statutes is created to read:

22 7.51 (5) (a) 5. Upon receipt of the materials under subd. 4., the municipal clerk
23 shall make sufficient copies of the inspectors' statement under sub. (4) (a) and seal
24 one copy of the statement inside a carrier envelope together with the envelope

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1 containing any materials required to be delivered to the county clerk or the school
2 district clerk. The municipal clerk shall retain the original inspectors' statement.

3 **SECTION 138.** 7.51 (5) (b) of the statutes is amended to read:

4 7.51 (5) (b) The municipal clerk shall ~~arrange for delivery of~~ deliver all ballots,
5 statements, tally sheets, lists, and envelopes relating to a school district election to
6 the school district clerk by 4 p.m. on the day following each such election. The
7 municipal clerk shall deliver the ballots, statements, tally sheets, lists, and
8 envelopes for his or her municipality relating to any county, technical college district,
9 state, or national election to the county clerk ~~by 2 p.m.~~ by 4 p.m. on the day following each
10 such election or, in municipalities where absentee ballots are canvassed under s.
11 7.52, by 4. p.m. on the 2nd day following each such election. The person delivering
12 the returns shall be paid out of the municipal treasury. Each clerk shall retain
13 ballots, statements, tally sheets, or envelopes received by the clerk until destruction
14 is authorized under s. 7.23 (1).

15 **SECTION 139.** 7.52 of the statutes is created to read:

16 **7.52 Canvassing of absentee ballots.** (1) (a) The governing body of any
17 municipality may provide by ordinance that, in lieu of canvassing absentee ballots
18 at polling places under s. 6.88, the municipal board of absentee ballot canvassers
19 designated under s. 7.53 (2m) shall canvass all absentee ballots at all elections held
20 in the municipality. Prior to enacting an ordinance under this subsection, the
21 municipal clerk or board of election commissioners of the municipality shall notify
22 the board in writing of the proposed enactment and shall consult with the board
23 concerning administration of this section. At every election held in the municipality
24 following enactment of an ordinance under this subsection, the board of absentee
25 ballot canvassers shall, any time after the opening of the polls and before 10 p.m. on

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1 election day, publicly convene to count the absentee ballots for the municipality. The
2 municipal clerk shall give at least 48 hours' notice of any meeting under this
3 subsection. Any member of the public has the same right of access to a meeting of
4 the municipal board of absentee ballot canvassers under this subsection that the
5 individual would have under s. 7.41 to observe the proceedings at a polling place. The
6 board of absentee ballot canvassers may order the removal of any individual
7 exercising the right to observe the proceedings if the individual disrupts the meeting.

8 (b) A municipality that adopts the canvassing procedure under this section may
9 appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee ballot board
10 of canvassers in canvassing absentee ballots under this section. In such case, an odd
11 number of inspectors shall be appointed, and at no time may there be less than 3
12 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors shall be
13 affiliated with one of the 2 recognized political parties receiving the largest numbers
14 of votes for president, or for governor in nonpresidential general election years, in the
15 municipality. The party whose candidate received the largest number of votes in the
16 municipality is entitled to one more inspector than the party whose candidate
17 received the next largest number of votes in the municipality. Each inspector so
18 appointed shall be a qualified elector of the municipality. The inspectors who are
19 appointed under this paragraph shall serve under the direction and supervision of
20 the board of absentee ballot canvassers.

21 (c) In each municipality where absentee ballots are canvassed under this
22 section, no later than the closing hour of the polls, the municipal clerk shall post at
23 his or her office and on the Internet at a site announced by the clerk before the polls
24 open, and shall make available to any person upon request, a statement of the
25 number of absentee ballots that the clerk has mailed or transmitted to electors and

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1 that have been returned by the closing hour on election day. The posting shall not
2 include the names or addresses of any electors.

3 (2) In counting the absentee ballots, the board of absentee ballot canvassers
4 shall use 2 duplicate copies of a single poll list for the entire municipality prepared
5 in accordance with s. 6.36 (2). Upon accepting each absentee ballot, the board of
6 absentee ballot canvassers shall enter a poll list number on the poll list next to the
7 name of the elector who voted the ballot, beginning with the number one. If the
8 elector's name does not appear on the poll list, the board of absentee ballot
9 canvassers shall enter the number on a separate list maintained under this
10 subsection.

11 (3) (a) The board of absentee ballot canvassers shall first open the carrier
12 envelope only, and, in such a manner that a member of the public, if he or she desired,
13 could hear, announce the name of the absent elector or the identification serial
14 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
15 When the board of absentee ballot canvassers finds that the certification has been
16 properly executed and the applicant is a qualified elector of the ward or election
17 district, the board of absentee ballot canvassers shall enter an indication on the poll
18 list next to the applicant's name indicating an absentee ballot is cast by the elector.
19 The board of absentee ballot canvassers shall then open the envelope containing the
20 ballot in a manner so as not to deface or destroy the certification thereon. The board
21 of absentee ballot canvassers shall take out the ballot without unfolding it or
22 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
23 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
24 the issuing clerk. If the poll list indicates that proof of residence is required and no
25 proof of residence is enclosed or the name or address on the document that is provided

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1 is not the same as the name and address shown on the poll list, the board of absentee
2 ballot canvassers shall proceed as provided under s. 6.97 (2). The board of absentee
3 ballot canvassers shall mark the poll list number of each elector who casts an
4 absentee ballot on the back of the elector's ballot. The board of absentee ballot
5 canvassers shall then deposit the ballot into the proper ballot box and enter the
6 absent elector's name or poll list number after his or her name on the poll list.

7 (b) When the board of absentee ballot canvassers finds that a certification is
8 insufficient, that the applicant is not a qualified elector in the ward or election
9 district, that the ballot envelope is open or has been opened and resealed, that the
10 ballot envelope contains more than one ballot of any one kind, or that the certificate
11 of an elector who received an absentee ballot by facsimile transmission or electronic
12 mail is missing, or if proof is submitted to the board of absentee ballot canvassers that
13 an elector voting an absentee ballot has since died, the board of absentee ballot
14 canvassers shall not count the ballot. Each member of the board of absentee ballot
15 canvassers shall endorse every ballot not counted on the back as "rejected (giving the
16 reason)." The board of absentee ballot canvassers shall reinsert each rejected ballot
17 into the certificate envelope in which it was delivered and enclose the certificate
18 envelopes and ballots, and securely seal the ballots and envelopes in an envelope
19 marked for rejected absentee ballots. The board of absentee ballot canvassers shall
20 endorse the envelope as "rejected ballots," with a statement of the ward or election
21 district and date of the election, and each member of the board of absentee ballot
22 canvassers shall sign the statement. The board of absentee ballot canvassers shall
23 then return the envelope containing the ballots to the municipal clerk.

24 (4) (a) The board of absentee ballot canvassers shall then open the ballot box
25 and remove and count the number of ballots therein without examination except as

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1 is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded
2 together so as to appear as a single ballot, the board of absentee ballot canvassers
3 shall lay them aside until the count is completed; and if, after a comparison of the
4 count and the appearance of the ballots it appears to the board of absentee ballot
5 canvassers that the ballots folded together were voted by the same person they shall
6 not be counted but the board of absentee ballot canvassers shall mark them as to the
7 reason for removal, set them aside, and carefully preserve them. The board of
8 absentee ballot canvassers shall then proceed under par. (b).

9 (b) When during the counting of the ballots cast at an election the board of
10 absentee ballot canvassers finds that a ballot is so defective that it cannot determine
11 with reasonable certainty for whom it was cast, the board of absentee ballot
12 canvassers shall so mark the ballot and preserve it. The board of absentee ballot
13 canvassers shall not count the vote cast on the ballot for any office for which it
14 determines the ballot to be defective.

15 (c) Whenever the number of ballots exceeds the number of voting electors as
16 indicated on the poll list, the board of absentee ballot canvassers shall place all
17 ballots face up to check for blank ballots. In this paragraph, "blank ballot" means
18 a ballot on which no votes are cast for any office or question. The board of absentee
19 ballot canvassers shall mark, lay aside, and preserve any blank ballots. If the
20 number of ballots still exceeds the number of voting electors, the board of absentee
21 ballot canvassers shall place all ballots face down and proceed to check for the
22 initials. The board of absentee ballot canvassers shall mark, lay aside, and preserve
23 any ballot not bearing the initials of the municipal clerk. During the count, the board
24 of absentee ballot canvassers shall count those ballots cast by challenged electors the
25 same as the other ballots.

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1 (d) The board of absentee ballot canvassers shall keep a written statement, in
2 duplicate, of the number of ballots set aside and the number of defective ballots and
3 challenged ballots. The statement shall contain a record of the reasons for setting
4 aside each ballot and the reasons why each defective or challenged ballot is defective
5 or challenged. The board of absentee ballot canvassers shall certify that the
6 statement is correct, sign it, and attach it to the tally sheets.

7 (e) If, after any ballots have been set aside, the number of ballots still exceeds
8 the total number of electors recorded on the poll list, the board of absentee ballot
9 canvassers shall place the absentee ballots in the ballot box and one of the members
10 shall publicly and without examination draw therefrom by chance the number of
11 ballots equal to the excess number of ballots. All ballots so removed shall not be
12 counted but shall be specially marked as having been removed by the board of
13 absentee ballot canvassers on original canvass due to an excess number of ballots,
14 set aside, and preserved. When the number of ballots and total shown on the poll list
15 agree, the board of absentee ballot canvassers shall return all ballots to be counted
16 to the ballot box and shall turn the ballot box in such manner as to thoroughly mix
17 the ballots. The board of absentee ballot canvassers shall then open, count, and
18 record the number of votes. When the ballots are counted, the board of absentee
19 ballot canvassers shall separate them into piles for ballots similarly voted.
20 Objections may be made to placement of ballots in the piles at the time the separation
21 is made.

22 (f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10
23 (3), only the votes cast on the corrected ballots may be counted for any office or
24 referendum in which the original ballots differ from the corrected ballots.

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1 (g) The board of absentee ballot canvassers shall place together all ballots
2 counted by it that relate to any national, state, or county office or any state, county,
3 or technical college district referendum and secure them together so they cannot be
4 untied or tampered with without breaking the seal. The secured ballots, together
5 with any ballots marked “Defective,” shall then be secured by the board of absentee
6 ballot canvassers in the ballot container in such a manner that the container cannot
7 be opened without breaking the seals or locks, or destroying the container. The board
8 of absentee ballot canvassers shall place the ballots cast under s. 6.97 in a separate,
9 securely sealed carrier envelope which is clearly marked “Section 6.97 ballots.” Each
10 member of the board of absentee ballot canvassers shall sign the carrier envelope.
11 The carrier envelope shall not be placed in the ballot container. The board of
12 absentee ballot canvassers shall then deliver the ballots to the municipal clerk in the
13 ballot container and carrier envelope.

14 (h) For ballots that relate only to municipal or school district offices or
15 referenda, the board of absentee ballot canvassers, in lieu of par. (a), after counting
16 the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper
17 over the slots, sign their names to the paper, and deliver them and the keys therefor
18 to the municipal or school district clerk. The clerk shall retain the ballots until
19 destruction is authorized under s. 7.23.

20 (i) All absentee certificate envelopes that have been opened shall be returned
21 by the board of absentee ballot canvassers to the municipal clerk in a securely sealed
22 carrier envelope that is clearly marked “used absentee certificate envelopes.” The
23 envelopes shall be signed by each member of the board of absentee ballot canvassers.
24 Except when the ballots are used in a municipal or school district election only, the
25 municipal clerk shall transmit the used envelopes to the county clerk.

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1 (5) The vote of any absent elector may be challenged for cause and the board
2 of absentee ballot canvassers shall have all the power and authority given the
3 inspectors to hear and determine the legality of the ballot the same as if the ballot
4 had been voted in person.

5 (6) (a) The board of absentee ballot canvassers shall review each certificate
6 envelope to determine whether any absentee ballot is cast by an elector whose name
7 appears on the poll list as ineligible to vote at the election, including ineligibility to
8 vote by reason of a felony conviction. If the board of absentee ballot canvassers
9 receives an absentee ballot that has been cast by an elector whose name appears on
10 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same
11 manner as provided for inspectors making challenges under s. 6.92 and shall treat
12 the ballot in the manner as provided for treatment of challenged ballots by inspectors
13 under s. 6.95.

14 (b) Any elector may challenge for cause any absentee ballot. For the purpose
15 of deciding upon ballots that are challenged for any reason, the board of absentee
16 ballot canvassers may call before it any person whose absentee ballot is challenged
17 if the person is available to be called. If the person challenged refuses to answer fully
18 any relevant questions put to him or her by the board of absentee ballot canvassers
19 under s. 6.92, the board of absentee ballot canvassers shall reject the person's vote.
20 If the challenge is not withdrawn after the person offering to vote has answered the
21 questions, one of the members of the board of absentee ballot canvassers shall
22 administer to the person the following oath or affirmation: "You do solemnly swear
23 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
24 are now and for 10 days have been a resident of this ward except under s. 6.02 (2),
25 stats.; you have not voted at this election; you have not made any bet or wager or

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1 become directly or indirectly interested in any bet or wager depending upon the
2 result of this election; you are not on any other ground disqualified to vote at this
3 election.” If the person challenged refuses to take the oath or affirmation, the
4 person’s vote shall be rejected. If the person challenged answers fully all relevant
5 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,
6 takes the oath or affirmation, and fulfills the applicable registration requirements,
7 and if the answers to the questions given by the person indicate that the person meets
8 the voting qualification requirements, the person’s vote shall be received.

9 (7) The board of absentee ballot canvassers shall maintain tally sheets on
10 forms provided by the municipal clerk, which shall state the total number of votes
11 cast for each office and for each individual receiving votes for that office, whether or
12 not the individual’s name appears on the ballot, and shall state the vote for and
13 against each proposition voted on. Upon completion of the canvass of the absentee
14 ballots, the board of absentee ballot canvassers shall immediately complete
15 statements in duplicate. The statements shall state the excess, if any, by which the
16 number of ballots exceeds the number of electors voting as shown by the poll list used
17 by the board of absentee ballot canvassers under this section and shall state the poll
18 list number of the last elector as shown by the poll list. Each member of the board
19 of absentee ballot canvassers shall then certify to the correctness of the statements
20 and tally sheets and sign their names. All other election officials assisting with the
21 tally shall also certify to the correctness of the tally sheets. When the tally is
22 complete, the board of absentee ballot canvassers shall publicly announce the results
23 from the statements, and the records of the count are open to public inspection and
24 copying under s. 19.35 (1).

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1 (8) The board of absentee ballot canvassers shall make full and accurate return
2 of the votes cast for each candidate and proposition on the tally sheet forms. Each
3 tally sheet shall record the returns for each office or referendum by ward, unless
4 combined returns are authorized in accordance with s. 5.15 (6) (b), in which case the
5 tally sheet shall record the returns for each group of combined wards. After
6 recording the votes, the board of absentee ballot canvassers shall seal in a carrier
7 envelope outside the ballot bag or container one inspector's statement under sub. (4)
8 (d), one tally sheet, and one poll list for delivery to the county clerk, unless the
9 election relates only to municipal or school district offices or referenda. The board
10 of absentee ballot canvassers shall also similarly seal one statement, one tally sheet,
11 and one poll list for delivery to the municipal clerk.

12 (9) The governing body of any municipality that has provided by ordinance
13 enacted under sub. (1) for the canvassing of absentee ballots at all elections held in
14 the municipality under this section may by similar action rescind that decision.
15 Thereafter, the absentee ballots at all elections held in the municipality shall be
16 canvassed as provided in s. 6.88.

17 **SECTION 140.** 7.53 (1) of the statutes is amended to read:

18 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality
19 constitutes one ward or combines all wards to utilize a single polling place under s.
20 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted
21 publicly under s. 7.51 and the inspectors, other than any inspector appointed under
22 s. 7.30 (1) (b), shall act as the municipal board of canvassers. In municipalities where
23 absentee ballots are canvassed under s. 7.52, after the canvass of the absentee ballots
24 is completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the
25 poll list of the electors who vote by absentee ballot with the corresponding poll list

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1 of the electors who vote in person to ensure that no elector is allowed to cast more
2 than one ballot. If an elector who votes in person has submitted an absentee ballot,
3 the absentee ballot is void. Upon completion of the canvass under this subsection and
4 any canvass that is conducted under s. 7.52 and ascertainment of the results by the
5 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,
6 by the inspectors and the board of absentee ballot canvassers, the municipal clerk
7 shall publicly read to the inspectors or the board of absentee ballot canvassers the
8 names of the persons voted for and the number of votes for each person for each
9 municipal office, the names of the persons declared by the inspectors or board of
10 absentee ballot canvassers to have won nomination or election to each municipal
11 office, and the number of votes cast for and against each municipal referendum
12 question.

13 **SECTION 141.** 7.53 (2) (a) of the statutes is amended to read:

14 7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers
15 for municipal elections in each municipality utilizing more than one polling place
16 shall be composed of the municipal clerk and 2 other qualified electors of the
17 municipality appointed by the clerk. The members of the board of canvassers shall
18 serve for 2-year terms commencing on January 1 of each odd-numbered year, except
19 that any member who is appointed to fill a permanent vacancy shall serve for the
20 unexpired term of the original appointee.

21 2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or
22 her duties ~~or if the clerk is a candidate at an election being canvassed,~~ the mayor,
23 president or board chairperson of the municipality shall designate another qualified
24 elector of the municipality to serve in lieu of the clerk for that election.

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1 4. If any other member of the board of canvassers is a candidate at the election
2 being canvassed, the clerk shall appoint another qualified elector of the municipality
3 to temporarily fill the vacancy.

4 **SECTION 142.** 7.53 (2) (a) 3. of the statutes is created to read:

5 7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk
6 may perform his or her duties on the board of canvassers only if the clerk does not
7 have an opponent whose name appears on the ballot, or in the case of a recount, if
8 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate
9 at the election being canvassed and has an opponent whose name appears on the
10 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president
11 of board chairperson of the municipality shall designate another qualified elector of
12 the municipality to serve in lieu of the elector for that election.

13 **SECTION 143.** 7.53 (2) (d) of the statutes is amended to read:

14 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
15 returns of every municipal election. The canvass shall begin within 24 hours after
16 the polls close. After any canvass of the absentee ballots is completed under s. 7.52,
17 the board of canvassers shall reconcile the poll list of the electors who vote by
18 absentee ballot with the corresponding poll list of the electors who vote in person to
19 ensure that no elector is allowed to cast more than one ballot. If an elector who votes
20 in person has submitted an absentee ballot, the absentee ballot is void. At the spring
21 election, the board of canvassers shall publicly declare the results on or before the
22 2nd Tuesday in April. The board of canvassers shall prepare a statement showing
23 the results of each election for any municipal office and each municipal referendum.
24 After each primary for municipal offices, the board of canvassers shall prepare a
25 statement certifying the names of those persons who have won nomination to office.

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1 After each other election for a municipal office and each municipal referendum, the
2 board of canvassers shall prepare a determination showing the names of the persons
3 who are elected to each municipal office and the results of each municipal
4 referendum. The board of canvassers shall file each statement and determination
5 in the office of the municipal clerk or board of election commissioners.

6 **SECTION 144.** 7.53 (2m) of the statutes is created to read:

7 **7.53 (2m) BOARD OF ABSENTEE BALLOT CANVASSERS.** (a) If a municipality elects
8 to count absentee ballots in the manner provided for in s. 7.52, the municipality shall
9 establish a board of absentee ballot canvassers as provided in par. (b).

10 (b) Except as provided in par. (c), the municipal board of absentee ballot
11 canvassers shall be composed of the municipal clerk, or a qualified elector of the
12 municipality designated by the clerk, and 2 other qualified electors of the
13 municipality appointed by the clerk. The members of the board of absentee ballot
14 canvassers shall serve for 2-year terms commencing on January 1 of each
15 odd-numbered year, except that any member who is appointed to fill a permanent
16 vacancy shall serve for the unexpired term of the original appointee. If the municipal
17 clerk's office is vacant or if the clerk and the clerk's designee cannot perform his or
18 her duties, the mayor, president, or board chairperson of the municipality shall
19 designate another qualified elector of the municipality to serve in lieu of the clerk for
20 that election. If the clerk is a candidate at an election being canvassed, the clerk or
21 the clerk's designee may perform the clerk's duties on the board of absentee ballot
22 canvassers only if the clerk does not have an opponent whose name appears on the
23 ballot. If the clerk is a candidate at the election being canvassed by the board of
24 absentee ballot canvassers and has an opponent whose name appears on the ballot,
25 the mayor, president, or board chairperson of the municipality shall designate

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1 another qualified elector of the municipality to serve in lieu of the clerk and his or
2 her designee for that election. If any other member of the board of absentee ballot
3 canvassers is a candidate at the election being canvassed, the clerk shall appoint
4 another qualified elector of the municipality to temporarily fill the vacancy.

5 (c) Nothing in this subsection precludes a municipal clerk from appointing
6 individuals to the board of absentee ballot canvassers who are simultaneously
7 serving on any other board of canvassers.

8 **SECTION 145.** 7.60 (2) of the statutes is amended to read:

9 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors
10 of the county appointed by the clerk constitute the county board of canvassers. The
11 members of the board of canvassers shall serve for 2-year terms commencing on
12 January 1 of each odd-numbered year, except that any member who is appointed to
13 fill a permanent vacancy shall serve for the unexpired term of the original appointee.
14 One member of the board of canvassers shall belong to a political party other than
15 the clerk's. The county clerk shall designate a deputy clerk who shall perform the
16 clerk's duties as a member of the board of canvassers in the event that the county
17 clerk's office is vacant, or the clerk cannot perform his or her duties, or the clerk is
18 a candidate at an election being canvassed. If the county clerk and designated
19 deputy clerk are both unable to perform their duties, the county executive or, if there
20 is no county executive, the chairperson of the county board of supervisors shall
21 designate another qualified elector of the county to perform the clerk's duties. If a
22 member other than the clerk cannot perform his or her duties, the clerk shall appoint
23 another member to serve. No Except as otherwise provided in this subsection, no
24 person may serve on the county board of canvassers if the person is a candidate for
25 an office to be canvassed by that board. If the clerk is a candidate at an election being

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1 canvassed, the clerk may perform his or her duties on the board only if the clerk has
2 no opponent whose name appears on the ballot, or, in the case of a recount, if the office
3 the clerk is seeking is not a subject of the recount. If lists of candidates for the county
4 board of canvassers are submitted to the county clerk by political party county
5 committees, the lists shall consist of at least 3 names and the clerk shall choose the
6 board members from the lists. Where there is a county board of election
7 commissioners, it shall serve as the board of canvassers. If the county board of
8 election commissioners serves as the board of canvassers, the executive director of
9 the county board of election commissioners shall serve as a member of the board of
10 canvassers to fill a temporary vacancy on that board.

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11 **SECTION 146.** 8.10 (3) (intro.) of the statutes is amended to read:

12 8.10 (3) (intro.) The certification of a qualified elector circulator under s. 8.15
13 (4) (a) shall be appended to each nomination paper. The number of required
14 signatures on nomination papers filed under this section is as follows:

15 **SECTION 147.** 8.15 (4) (a) of the statutes is amended to read:

16 8.15 (4) (a) The certification of a qualified elector circulator stating his or her
17 residence with street and number, if any, shall appear at the bottom of each
18 nomination paper, stating he or she personally circulated the nomination paper and
19 personally obtained each of the signatures; he or she knows they are electors of the
20 ward, aldermanic district, municipality or county, as the nomination papers require;
21 he or she knows they signed the paper with full knowledge of its content; he or she
22 knows their respective residences given; he or she knows each signer signed on the
23 date stated opposite his or her name; and, that he or she, the circulator, ~~resides~~
24 ~~within the district which the candidate named therein will represent, if elected~~ is a
25 qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen

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1 age 18 or older who, if he or she were a resident of this state, would not be disqualified
2 from voting under s. 6.03, Wis. stats.; that he or she intends to support the candidate;
3 and that he or she is aware that falsifying the certification is punishable under s.
4 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes
5 the certification next to his or her signature. The certification may be made by the
6 candidate or any qualified elector circulator.

7 **SECTION 148.** 8.20 (3) of the statutes is amended to read:

8 8.20 (3) The certification of an elector a qualified circulator under s. 8.15 (4)
9 (a) shall be appended to each nomination paper.

10 **SECTION 149.** 8.37 of the statutes is amended to read:

11 **8.37 Filing of referenda petitions or questions.** Unless otherwise required
12 by law, all proposed constitutional amendments and any other measure or question
13 that is to be submitted to a vote of the people, or any petitions requesting that a
14 measure or question be submitted to a vote of the people, if applicable, shall be filed
15 with the official or agency responsible for preparing the ballots for the election no
16 later than 42 days prior to the election at which the amendment, measure or question
17 will appear on the ballot. No later than the end of the next business day after a
18 proposed measure is filed with a school district clerk under this section, the clerk
19 shall file a copy of the measure or question with the clerk of each county having
20 territory within the school district.

21 **SECTION 150.** 8.40 (2) of the statutes is amended to read:

22 8.40 (2) The certification of a qualified elector circulator stating his or her
23 residence with street and number, if any, shall appear at the bottom of each separate
24 sheet of each petition specified in sub. (1), stating that he or she personally circulated
25 the petition and personally obtained each of the signatures; that the circulator knows

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1 that they are electors of the jurisdiction or district in which the petition is circulated;
2 that the circulator knows that they signed the paper with full knowledge of its
3 content; that the circulator knows their respective residences given; that the
4 circulator knows that each signer signed on the date stated opposite his or her name;
5 that the circulator ~~resides within the jurisdiction or district in which the petition is~~
6 circulated is a qualified elector of this state, or if not a qualified elector of this state,
7 that the circulator is a U.S. citizen age 18 or older who, if he or she were a resident
8 of this state, would not be disqualified from voting under s. 6.03, Wis. stats.; and that
9 the circulator is aware that falsifying the certification is punishable under s. 12.13
10 (3) (a). The circulator shall indicate the date that he or she makes the certification
11 next to his or her signature. INSERT
AA3-17

12 **SECTION 151.** 9.01 (1) (ag) 1., 1m. and 2. of the statutes are amended to read:

13 9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate
14 and those cast for the petitioner or the difference between the affirmative and
15 negative votes cast upon any referendum question is less than 10 if 1,000 or less votes
16 are cast or not more than 0.5% of the total votes cast for the office or on the question
17 if more than 1,000 votes are cast prior to issuance of any amended return under s.

18 ~~6.22(5m)(f)~~, the petitioner is not required to pay a fee. INS.
AA3-18

19 1m. If the difference between the votes cast for the leading candidate and those
20 cast for the petitioner or the difference between the affirmative and negative votes
21 cast upon any referendum question is at least 10 if 1,000 or less votes are cast or is
22 more than 0.5% but not more than 2% if more than 1,000 votes are cast prior to

23 issuance of any amended return under s. ~~6.22(5m)(f)~~, the petitioner shall pay a fee
24 of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each
25 municipality for which the petition requests a recount where no wards exist. INS
AA3-19

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2. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is more than 2% if more than 1,000 votes are cast prior to issuance of any amended return under s. 6.22 (5m) (f), the petitioner shall pay a fee equal to the actual cost of performing the recount in each ward for which the petition requests a recount, or in each municipality for which the petition request a recount where no wards exist.

SECTION 152. 9.01 (1) (ag) 2m. of the statutes is created to read:

9.01 (1) (ag) 2m. For purposes of subds. 1m. and 2., the number of votes cast at an election excludes any votes that may be eligible to be counted under s. 6.22 (5m) (a).

SECTION 153. 9.01 (1) (b) (intro.) of the statutes is amended to read:

9.01 (1) (b) (intro.) The Except as provided in this paragraph, the proper board of canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and no later than 9 a.m. on the day following the last day for filing of a petition and proceed to recount the ballots in the wards or municipalities specified and to review the allegations of fact contained in the petition or petitions. If s. 6.22 (5m) (dm) applies, the board of canvassers shall not proceed with the recount until 9 a.m. on the day following the last day for filing of a petition and, if s. 6.22 (5m) (e) applies, shall not proceed with the recount until it complies with s. 6.22 (5m) (f). The recount shall proceed for each ward or municipality as follows:

SECTION 154. 9.01 (10) of the statutes is amended to read:

9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe standard forms and procedures for the making of recounts under this section. The

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1 procedures prescribed by the elections board shall require the boards of canvassers
2 in recounts involving more than one board of canvassers to consult with the elections
3 board staff prior to beginning any recount in order to ensure that uniform procedures
4 are used, to the extent practicable, in such recounts.

5 **SECTION 155.** 9.10 (2) (b) of the statutes is amended to read:

6 9.10 (2) (b) A recall petition for requesting the recall of a city, village, town or
7 school district ~~office officer~~ shall contain a statement of ~~a reason for the recall which~~
8 ~~is related to the official responsibilities of the official for whom removal is sought~~
9 each cause for the recall and the grounds that constitute each cause. In this
10 paragraph, "cause" means official misconduct or malfeasance in office.

11 **SECTION 156.** 9.10 (2) (d) of the statutes is amended to read:

12 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
13 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
14 filing officer with whom the petition is filed. The petitioner shall append to the
15 registration a statement indicating his or her intent to circulate a recall petition, the
16 name of the officer for whom recall is sought and, in the case of a petition for the recall
17 of a city, village, town or school district officer, a statement of ~~a reason for the recall~~
18 ~~which is related to the official responsibilities of the official for whom removal is~~
19 ~~sought~~ each cause, as defined in par. (b), for the recall and the grounds that constitute
20 each cause. No petitioner may circulate a petition for the recall of an officer prior to
21 completing registration. The last date that a petition for the recall of a state,
22 congressional, legislative, judicial or county officer may be offered for filing is 5 p.m.
23 on the 60th day commencing after registration. The last date that a petition for the
24 recall of a city, village, town or school district officer may be offered for filing is 5 p.m.
25 on the 30th day commencing after registration. After the recall petition has been

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1 offered for filing, no name may be added or removed. No signature may be counted
2 unless the date of the signature is within the period provided in this paragraph. ✓

3 SECTION 157. 9.10 (2) (em) 2. of the statutes is amended to read:

4 9.10 (2) (em) 2. The residency of the circulator cannot be determined by the
5 information given on the petition is not a qualified circulator.

6 ~~SECTION 158. 9.10 (4) (a) of the statutes is amended to read:~~

7 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
8 or school district official, officer is offered for filing, the officer against whom the
9 petition is filed may file a written challenge with the municipal clerk or board of
10 election commissioners or school district clerk with whom it is filed, specifying any
11 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal
12 to the challenge with the clerk or board of election commissioners within 5 days after
13 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is
14 filed may file a reply to any new matter raised in the rebuttal within 2 days after the
15 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
16 reply to a rebuttal, the clerk or board of election commissioners shall file the
17 certificate or an amended certificate. Within 31 days after the petition is offered for
18 filing, the clerk or board of election commissioners shall determine by careful
19 examination of the face of the petition whether the petition is sufficient and shall so
20 state in a certificate attached to the petition. If the petition is found to be insufficient,
21 the certificate shall state the particulars creating the insufficiency. The petition may
22 be amended to correct any insufficiency within 5 days following the affixing of the
23 original certificate. Within 2 days after the offering of the amended petition for filing,
24 the clerk or board of election commissioners shall again carefully examine the face
25 of the petition to determine sufficiency and shall attach to the petition a certificate

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1 stating the findings. Immediately upon finding an original or amended petition
2 sufficient, except in cities over 500,000 population, the municipal clerk or school
3 district clerk shall transmit the petition to the governing body or to the school board.
4 Immediately upon finding an original or amended petition sufficient, in cities over
5 500,000 population, the board of election commissioners shall file the petition in its
6 office. INSERT AA 8-1 ✓

7 **SECTION 159.** 10.01 (2) (e) of the statutes is amended to read:

8 10.01 (2) (e) Type E—The type E notice shall state the qualifications for
9 absentee voting, the procedures for obtaining an absentee ballot in the case of
10 registered and unregistered voters, and the places and the deadlines for application
11 and return of application, including any alternate site under s. 6.855, and the office
12 hours during which an elector may cast an absentee ballot in the municipal clerk's
13 office or at an alternate site under s. 6.855. The municipal clerk shall publish a type
14 E notice on the 4th Tuesday preceding each spring primary and election, on the 4th
15 Tuesday preceding each September primary and general election, on the 4th Tuesday
16 preceding the primary for each special national, state, county or municipal election
17 if any, on the 4th Tuesday preceding a special county or municipal referendum, and
18 on the 3rd Tuesday preceding each special national, state, county or municipal
19 election to fill an office which is not held concurrently with the spring or general
20 election. The clerk of each special purpose district which calls a special election shall
21 publish a type E notice on the 4th Tuesday preceding the primary for the special
22 election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd
23 Tuesday preceding a special election for an office which is not held concurrently with
24 the spring or general election except as authorized in s. 8.55 (3).

25 **SECTION 160.** 10.02 (3) (a) of the statutes is amended to read:

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1 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
2 an elector shall state his or her name and address ~~and provide identification if~~
3 ~~required by federal law. If an elector is not registered to vote, an elector may register~~
4 ~~to vote at the polling place serving his or her residence if the elector provides proof~~
5 ~~of residence or the elector's registration is verified by another elector of the same~~
6 ~~municipality where the elector resides.~~ Where ballots are distributed to electors, the
7 initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the
8 elector shall retire alone to a voting booth or machine and cast his or her ballot, except
9 that an elector who is a parent or guardian may be accompanied by the elector's
10 minor child or minor ward. An election official may inform the elector of the proper
11 manner for casting a vote, but the official may not in any manner advise or indicate
12 a particular voting choice.

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13 **SECTION 161.** 12.03 (title) and (1) of the statutes are amended to read:

14 **12.03 (title) ~~Election day campaigning~~ Campaigning restricted.** (1) No
15 election official may engage in electioneering on election day. No municipal clerk or
16 employee of the clerk may engage in electioneering in the clerk's office or at the
17 alternate site under s. 6.855 during the hours that ballots may be cast at those
18 locations.

19 **SECTION 162.** 12.03 (2) of the statutes is repealed and recreated to read:

20 12.03 (2) (a) 1. No person may engage in electioneering during polling hours
21 on election day at a polling place.

22 2. No person may engage in electioneering in the municipal clerk's office or at
23 an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

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1 (b) 1. No person may engage in electioneering during polling hours on any
2 public property on election day within 100 feet of an entrance to a building containing
3 a polling place.

4 2. No person may engage in electioneering during the hours that absentee
5 ballots may be cast on any public property within 100 feet of an entrance to a building
6 containing the municipal clerk's office or an alternate site under s. 6.855.

7 3. No person may engage in electioneering within 100 feet of an entrance to or
8 within a nursing home or qualified retirement home or community-based
9 residential facility while special voting deputies are present at the home or facility.

10 (d) This subsection does not apply to the placement of any material on the
11 bumper of a motor vehicle that is parked or operated at a place and time where
12 electioneering is prohibited under this subsection.

13 **SECTION 163.** 12.035 of the statutes is created to read:

14 **12.035 Posting and distribution of election-related material.** (1) In this
15 section, "election-related material" means any written matter which describes, or
16 purports to describe, the rights or responsibilities of individuals voting or registering
17 to vote at a polling place or voting an absentee ballot at the office of the municipal
18 clerk or an alternate site under s. 6.855.

19 (2) The legislature finds that posting or distributing election-related material
20 at the polling place, at locations where absentee ballots may be cast, or near the
21 entrance to such locations when voting is taking place may mislead and confuse
22 electors about their rights and responsibilities regarding the exercise of the franchise
23 and tends to disrupt the flow of voting activities at such locations. The legislature
24 finds that the restrictions imposed by this section on the posting or distribution of

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1 election-related material are necessary to protect the compelling governmental
2 interest in orderly and fair elections.

3 (3) (a) No person may post or distribute any election-related material during
4 polling hours on election day at a polling place.

5 (b) No person may post or distribute any election-related material during
6 polling hours on any public property on election day within 100 feet of an entrance
7 to a building containing a polling place.

8 (c) No person may post or distribute any election-related material at the office
9 of the municipal clerk or at an alternate site under s. 6.855 during hours that
10 absentee ballots may be cast.

11 (d) No person may post or distribute election-related material during the hours
12 that absentee ballots may be cast on any public property within 100 feet of an
13 entrance to a building containing the office of the municipal clerk or an alternate site
14 under s. 6.855.

15 (4) Subsection (3) does not apply to any of the following:

16 (a) The posting or distribution of election-related material posted or
17 distributed by the municipal clerk or other election officials.

18 (b) The placement of any material on the bumper of a motor vehicle located on
19 public property.

20 (5) A municipal clerk, election inspector, or law enforcement officer may
21 remove election-related material posted in violation of sub. (3) and may confiscate
22 election-related material distributed in violation of sub. (3).

23 **SECTION 164.** 12.04 (2) of the statutes is amended to read:

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1 12.04 (2) Except as provided in ~~s. ss.~~ 12.03 or 12.035 or as restricted under sub.
2 (4), any individual may place a sign containing a political message upon residential
3 property owned or occupied by that individual during an election campaign period.

4 **SECTION 165.** 12.07 (2) of the statutes is amended to read:

5 12.07 (2) No employer may refuse to allow an employee to serve as an election
6 official under s. 7.30 or make any threats or offer any inducements of any kind to the
7 employee for the purpose of preventing the employee from so serving.

8 **SECTION 166.** 12.09 of the statutes is repealed and recreated to read:

9 **12.09 Election threats.** (1) No person may personally or through an agent
10 make use of or threaten to make use of force, violence, or restraint in order to induce
11 or compel any person to vote or refrain from voting at an election.

12 (2) No person may personally or through an agent, by abduction, duress, or any
13 fraudulent device or contrivance, impede or prevent the free exercise of the franchise
14 at an election.

15 (3) No person may personally or through an agent, by any act compel, induce,
16 or prevail upon an elector either to vote or refrain from voting at any election for or
17 against a particular candidate or referendum.

18 **SECTION 167.** 12.13 (3) (ze) of the statutes is created to read:

19 12.13 (3) (ze) Compensate a person who obtains voter registration forms from
20 other persons at a rate that varies in relation to the number of voter registrations
21 obtained by the person.

22 **SECTION 168.** 12.13 (4) of the statutes is repealed.

23 **SECTION 169.** 12.60 (1) (b) of the statutes is amended to read:

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1 12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.,
2 (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000,
3 or imprisoned not more than 6 months or both.

4 **SECTION 170.** 12.60 (1) (c) of the statutes is amended to read:

5 12.60 (1) (c) Whoever violates s. 12.13 (3) (am) ~~or (4)~~ may be required to forfeit
6 not more than \$500.

7 **SECTION 171.** 12.60 (1) (d) of the statutes is amended to read:

8 12.60 (1) (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to
9 forfeit not more than \$100.

10 **SECTION 172.** 17.29 of the statutes is amended to read:

11 **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary
12 provisions in either the general law or in special acts, except ~~ch. 7 ss. 6.26 (2) (b), 6.28~~
13 ~~(2) (b), 6.55 (6), 6.875, and 7.30~~ relating to appointed election officers ~~appointed for~~
14 ~~the election wards or polling places in the state~~ officials and ch. 21 relating to the
15 military staff of the governor and to officers of the Wisconsin national guard; and
16 shall govern all offices whether created by general law or special act, unless
17 otherwise specially provided.

18 **SECTION 173.** 301.03 (3a) of the statutes is created to read:

19 301.03 (3a) Subject to all of the following, design a form to provide notice under
20 ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

21 (a) The form shall inform the person who is ineligible to vote that he or she may
22 not vote in any election until his or her civil rights are restored.

23 (b) The form shall inform the person who is ineligible to vote when his or her
24 civil rights are expected to be restored.

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1 (c) The form shall include a place for the person to sign indicating that he or
2 she understands that he or she may not vote in any election until his or her civil
3 rights are restored. The form shall include a place also for a witness signature.

4 (d) The department shall retain the form, and a copy shall be given to the
5 person.

6 **SECTION 174.** 301.03 (20) of the statutes is created to read:

7 301.03 (20) Transmit to the elections board, on a continuous basis, a list
8 containing the name of each living person who has been convicted of a felony under
9 the laws of this state and whose civil rights have not been restored, together with his
10 or her residential address and the date on which the department expects his or her
11 civil rights to be restored.

12 **SECTION 175.** 302.117 of the statutes is amended to read:

13 **302.117 Notice regarding ineligibility to vote.** When an inmate who is
14 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended
15 supervision, the department shall inform the person in writing that he or she may
16 not vote in any election until his or her civil rights are restored. The department shall
17 use the form designed under s. 301.03 (3a) to inform the person, and the person and
18 a witness shall sign the form.

19 **SECTION 176.** 343.11 (2m) of the statutes is created to read:

20 343.11 (2m) Within 30 days following surrender of a license under sub. (1), the
21 department shall provide notice to the elections board of the person's name and
22 address, the name of the jurisdiction issuing the surrendered license, and the date
23 on which the license was surrendered.

24 **SECTION 177.** 880.33 (9) of the statutes is amended to read:

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1 880.33 (9) All the rights and privileges afforded a proposed incompetent under
2 this section shall be given to any person who is alleged to be ineligible to register to
3 vote or to vote in an election by reason that such person is incapable of understanding
4 the objective of the elective process. The determination of the court shall be limited
5 to a finding that the elector is either eligible or ineligible to register to vote or to vote
6 in an election by reason that the person is or is not capable of understanding the
7 objective of the elective process. The determination of the court shall be
8 communicated in writing by the clerk of court to the election official or agency
9 charged under s. 6.48, 6.92, 6.925 ~~or~~, 6.93, or 7.52 (5) with the responsibility for
10 determining challenges to registration and voting which may be directed against
11 that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)
12 and any subsequent determination of the court shall be likewise communicated by
13 the clerk of court.

14 **SECTION 178.** 973.09 (4m) of the statutes is amended to read:

15 973.09 (4m) The department shall inform each probationer who is disqualified
16 from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his
17 or her civil rights are restored. The department shall use the form designed under
18 s. 301.03 (3a) to inform the probationer, and the probationer and a witness shall sign
19 the form.

20 **SECTION 179.** 973.176 (2) of the statutes is amended to read:

21 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
22 on probation for a conviction that disqualifies the defendant from voting under s. 6.03
23 (1) (b), the court shall inform the defendant in writing that he or she may not vote
24 in any election until his or her civil rights are restored. The court shall use the form

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1 designed by the department of corrections under s. 301.03 (3a) to inform the
2 defendant, and the defendant and a witness shall sign the form.

3 **SECTION 180. Nonstatutory provisions.**

4 (1) ELECTION-RELATED CONTINGENCY PLANNING. The elections board shall
5 prepare a report and recommendations with regard to state and local
6 election-related contingency planning efforts and preparedness regarding natural
7 disasters or terrorist activities that may occur at or near election time. No later than
8 the first day of the 7th month beginning after publication of this act, the elections
9 board shall submit the report and recommendations to the chief clerk of each house
10 of the legislature for distribution to the appropriate standing committees of the
11 legislature in the manner provided under section 13.172 (3) of the statutes.

12 (2) AUDITS OF LOCAL ELECTION PRACTICES. The elections board shall prepare
13 recommendations with regard to random post-election audits of local election
14 practices to be conducted in the fall of odd-numbered years. The recommendations
15 shall include recommendations on how election practices in a given municipality
16 may be reviewed by election officials of other, similar-sized municipalities and how
17 the state will fund such audits. No later than December 31, 2006, the elections board
18 shall submit the recommendations to the chief clerk of each house of the legislature
19 for distribution to the appropriate standing committees of the legislature in the
20 manner provided under s. 13.172 (3) of the statutes.

21 ~~(3) POLLING PLACE OBSERVATION RULES~~

22 (a) The elections board shall submit in proposed form the rules required under
23 section 7.41 (5) of the statutes, as created by this act, to the legislative council staff
24 under section 227.15 (1) of the statutes no later than the 60th day beginning after
25 publication of this act.

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(b) Using the procedure under section 227.24 of the statutes, the elections board may promulgate rules required under s. 7.41 (5) of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(4) FEES FOR COPIES OF REGISTRATION LIST. The elections board may promulgate emergency rules under section 227.24 of the statutes implementing section 6.36 (6) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until the date on which permanent rules take effect. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the elections board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(5) ELECTION OFFICIALS; INTERIM TERMS. Notwithstanding section 7.30 (6) (a) of the statutes, as affected by this act, the persons who are appointed as election officials under section 7.30 (4) of the statutes in 2006 shall serve for terms of one year and until their successors are appointed and qualified.

(6) DISTRIBUTION OF FORMS TO CONVICTED FELONS. No later than the first day of the 6th month beginning after the effective date of this subsection, the department of corrections shall distribute, and have signed in front of a witness, a copy of the form

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1 designed under section 301.03 (3a) of the statutes, as created by this act, to each
2 person who is on probation, parole, or extended supervision on that date and who is
3 disqualified from voting in any election under section 6.03 (1) (b) of the statutes.

4 **SECTION 181. Initial applicability.**

5 (1) NOTICE OF SCHOOL DISTRICT REFERENDA. The treatment of section 8.37 of the
6 statutes first applies to a measure or question that becomes subject to a filing
7 requirement under section 8.37 of the statutes on the effective date of this subsection.

8 (2) RECOUNTS. ~~The renumbering and amendment of section 5.90 of the statutes~~
9 ~~and the creation of section 5.90 (2) and (3) of the statutes by this act first apply to~~
10 recount petitions filed on the effective date of this subsection.

11 (3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6)
12 (a), and (6) (am) of the statutes first applies to appointments made on the effective
13 date of this subsection.

14 (4) PETITIONS FOR RECALL. The treatment of sections 9.10 (2) (b) and (d) and (4)
15 (a) of the statutes first applies with respect to petitions for recall that are offered for
16 filing on the effective date of this subsection.

17 (5) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections
18 5.02 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (em) 2. of the
19 statutes first applies with respect to nomination paper circulation periods that begin
20 and petitions that are initially circulated on the effective date of this subsection.

21 (6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED
22 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons
23 whom the department of corrections releases to parole or extended supervision on
24 the effective date of this subsection.

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1 (7) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The
2 treatment of section 973.09 (4m) of the statutes first applies to persons whom the
3 court places on probation on the effective date of this subsection.

4 (8) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment
5 of section 973.176 (2) of the statutes first applies to persons who are sentenced or
6 placed on probation on the effective date of this subsection.

7 (9) ELECTION OFFICIAL TRAINING. The treatment of sections 7.15 (1m), 7.30 (2)
8 (c), and ~~7.315~~ of the statutes first applies with respect to elections held in 2008.

9 **SECTION 182. Effective date.**

10 (1) This act takes effect on July 1, 2006, or on the day after publication,
11 whichever is later.

12 (END)

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